

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20181 of 2019

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Gajendra Prasad Son of late Sitaram Prasad, Resident of Village- Paharpur,
P.S. Khijarsarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The Director General of Police, Bihar.
3. The Inspector General of Police, Bhagalpur Range, Bhagalpur.
4. The Deputy Inspector General of Police Munger Range, Munger.
5. The Superintendent of Police, Munger.
6. The Deputy Superintendent of Police (Headquarter) Munger Cum
Conducting Officer

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Respondent/s : Mr. Md.Nadim Seraj (GP 5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 17-11-2021

In the instant petition petitioner has sought for
following relief/reliefs:

(i) *For quashing of the final order in
Departmental Enquiry (proceeding) No.- 23/17 by
the Deputy Inspector General of Police Munger
Range, Munger and issue vide its memo no. 881
dated 04.04.2019 (Annexure -8) whereby and
whereunder petitioner has been terminated from
service with immediate effect.*

(ii) *For quashing of the order contained in
memo no. 704 dated 02.08.2019 (Annexure-10)
passed and issued by the Inspector General of
Police Bhagalpur Range, Bhagalpur whereby and*



whereunder the appeal preferred by the petitioner in Departmental proceeding no. 23/17 has been rejected.

(iii) For reinstatement of the petitioner on his post of Sub-Inspector of police with all consequential benefits of service.

(iv) For any other relief (s) for which the petitioner may be found entitled the facts and circumstances of the case.

Short question for consideration in the present petition is whether petitioner has been served with the Enquiring Officer's report along with second show cause notice or not. The petitioner has taken such contention before the Appellate Authority as well as before this Court. The respondents have not countered properly as to whether petitioner has been served with the second show cause notice along with Enquiring Officer's report or not as is evident from the counter statement particularly in paragraph 20.

In the light of these facts and circumstances the impugned orders (Annexures 8 and 10) are set aside. The Disciplinary Authority is hereby directed to issue second show cause notice along with Enquiring Officer's report and proceed further in accordance with law. The above exercise shall be completed within a period of three weeks from the date of receipt of this order.



Writ Petition allowed in part.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

